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PTO/SB/21 (09-04) (AW 10/2004)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/659,082
Filing Date	September 10, 2003
First Named Inventor	Joel Bartholf
Art Unit	3721
Examiner Name	Louis K. Huynh
Attorney Docket No.	3SI-138US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☒ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
 - ☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation,
Change of Correspondence
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
 - ☐ Landscape Table on CD

- ☐ After Allowance Communication
to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
identify below):

Table 1
Exhibits I and II
Return Postcard

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	Ratner Prestia		
Signature			
Printed Name	Costas S. Krikelis		
Date	May 11, 2006	Registration No.	28,028

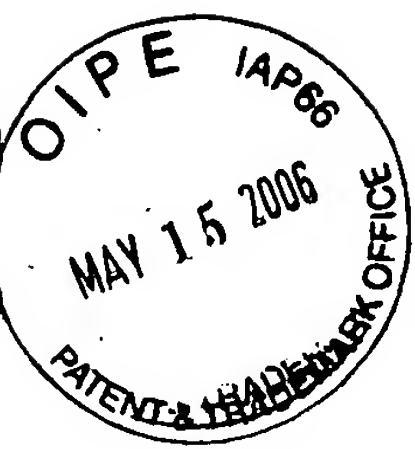
CERTIFICATE OF TRANSMISSION / MAILING

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Signature			
Typed or Printed Name	Gayle D. Bay	Date	May 11, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Appln. No: 10/659,082
Applicant: Joel Bartholf
Filed: September 10, 2003
Title: SHIPPING DEVICE AND METHOD FOR ARTICLES CAPABLE OF RELEASING GAS
CONTAINING HAZARDOUS PARTICULATES
T.C./A.U.: 3721
Examiner: Louis K. Huynh
Confirmation No.: 2732
Docket No.: 3SI-138US

RESPONSE TO REQUEST UNDER 37CFR1.105

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Responsive to the Office Action dated March 16, 2006 requesting the submission of certain additional information which the Examiner has deemed is reasonably necessary to the examination of the caption application, applicants respond as follows:

The request states: "The specification on page 5, lines 16-19, stating 'use of this highly effective packaging system has allowed exemption from U.S. hazardous materials shipping regulations for the assignee's currency theft protection devices' and on page 8, lines 22-27, stating 'The effectiveness of the system and method of the exemplary embodiment herein has been analytically proven and is fully recognized by the appropriate regulatory agencies, resulting in an exemption from hazardous shipping regulations by the U.S. DOT through issuance of appropriate EX-Number that prescribes use of the exemplary spun bond polyolefin packaging system disclosed herein' have proven that the claimed subject matter has been known and used by others. (Emphasis added)

This is incorrect, as shown by the attached documents. Specifically:

- A. The Ex-Number(s) issued by the U.S. DOT that describes use of exemplary spun bond polyolefin packaging system(s) are given in the attached TABLE I, columns 1, 2, and 3. The attached copies of the corresponding applications to the DOT are also attached (Exhibit I).
- B. TABLE I. also includes the requested information regarding dates of use, dates of submission etc. in columns 4 and 6
- C. Issuance dates are shown in TABLE I. column 5.
- D. First dates of use of each system is given in TABLE I column 6. (The dates are believed accurate to the best of applicants knowledge and belief. As evidenced by the enclosed copy of a receipt marked Exhibit II, Applicants received the first shipment of envelopes manufactured to their specification from the supplier, XPEDX, on or about January 9, 2003 and was used commercially almost immediately thereafter.).

This application claims priority from U.S. Provisional Application No. 60/409,674, filed September 10, 2002, and from U.S. Provisional Application No. 60/410, 985, filed September 16, 2002. The priority dates are either concurrent or predate any public use of disclosure of this invention incident to applicants efforts to obtain DOT clearance stated in the specification refuting the conclusion that applicant's statements in the specification "...have proven that the claimed subject matter has been known and used by others."

Applicants have made a bonafide effort to respond to the Examiner's request and have provided answers that to the best of applicant's knowledge and belief are accurate. Applicants therefore respectfully submit that this case is now in condition for allowance and such is earnestly solicited.

Respectfully submitted,



Costas S. Krikelis
Attorney for Applicant

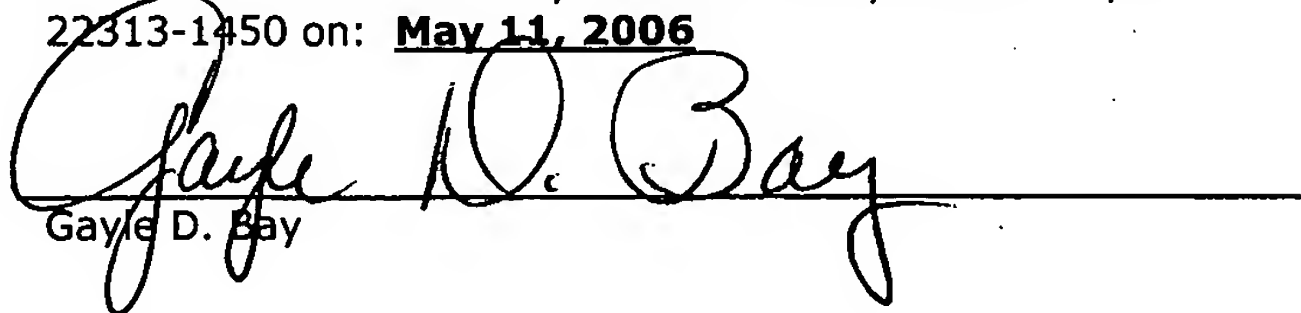
CSK/gdb

Dated: May 11, 2006

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(302) 778-2500

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

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Gayle D. Bay

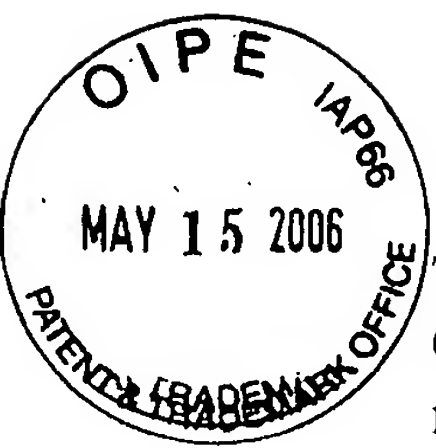


TABLE 1

The following information is supplied pursuant to a United States Patent and Trademark Office Inquiry dated March 16, 2006, relative to Application Number 10/659,082. Please note that there was no prior use of claimed invention. And, that claimed invention, developed, by the company, came about in order to meet a specific business application. Details follow:

SecurityPac Model	Packaging System	US DOT EX Number	Date of Submission	Date of Issue	Date of Commercial Use
MR Smoke and Tear Gas Dye Pack	Spunbonded Olefin	EX 2002100193	10/16/02	11/4/02	1/9/03
FX Tear Gas Dye Pack	Spunbonded Olefin	EX 2002100194	10/16/02	11/4/02	1/9/03
MS Smoke Only Dye Pack	Spunbonded Olefin	EX 2002090094	9/10/02	9/23/02	1/9/03
FS Smoke Only Dye Pack	Spunbonded Olefin	EX 2002090095	9/10/02	9/23/02	1/9/03
ThinPac II Smoke and Tear Gas Dye Pack	Spunbonded Olefin	EX 2003050149	5/8/03	10/15/03	10/16/03
ThinPac II Smoke Only Dye Pack	Spunbonded Olefin	EX 2003050148	5/8/03	10/15/03	10/16/03
ThinPac III Smoke and Tear Gas Dye Pack	Spunbonded Olefin	EX 2003050151	5/8/03	10/15/03	10/16/03
ThinPac III Smoke Only Dye Pack	Spunbonded Olefin	EX 2003050150	5/8/03	10/15/03	10/16/03